

ATXI has been unsuccessful in obtaining an easement from Ms. Marie McWard and Mr. Patrick Kaputka as Trustees of the Marie T. McWard and Patrick J. Kaputka Trust dated March 22, 1999. The trusts jointly own one parcel of land located along the Pawnee to Pana Project segment in Christian County. The property at issue has been designated internally as A\_ILRP\_PP\_CH\_309\_ROW. As summarized on ATXI Exhibit 2.1, ATXI has contacted, or attempted to contact, the Trustees or their counsel regarding acquiring an easement on at least 73 occasions, including 24 emails, 4 letters, 4 in-person visits, 40 phone calls, and 1 voicemail. In early May 2015, ATXI received notice that Mr. McNamara was representing the Trustees.

Before the Trustees retained Mr. McNamara, ATXI engaged in extensive negotiations with the Trustees, primarily regarding compensation. ATXI presented its initial offer on April 26, 2014 at an in-person meeting, at which time Ms. McWard expressed concern about the future value of her property. In August of 2014, Ms. McWard provided a counteroffer totaling over three times as much as ATXI's offer. The land agent requested documentation supporting this counteroffer in the form of an appraisal and crop insurance receipts. After ATXI received additional information from Ms. McWard, ATXI did increase its offer of compensation for crop damages and its per acreage price. However, in March of 2015, Ms. McWard informed the agent that until ATXI increased its offer to over twice its current level, she would not consider that offer and would need to consult an attorney. In May of 2015, Ms. McWard hired Mr. McNamara.

Since he was retained, negotiations with Mr. McNamara have focused on easement language and the confidential settlement agreement. In October and November of 2015, the agent provided Mr. McNamara a confidential settlement agreement (CSA) to address his concerns. On November 23, 2015, the land agent specifically asked Mr. McNamara about

compensation for the McWard and Kaputka property, and Mr. McNamara stated that he wanted to reach agreement on the language before addressing compensation. On December 15, 2016, Mr. McNamara stated that he was working to finish modifications to the language and to calculate his clients' final counter offers. Since this date, Mr. McNamara has focused on negotiations on a different parcel for which the McWards are trustees, stating that if we were able to reach agreement on that parcel, negotiations would be easier for this parcel. On January 20, 2016, the agent specifically asked for concerns for this parcel and Mr. McNamara stated that he did not know of anything at this time.

ATXI will continue to negotiate these issues with the Trustees and Mr. McNamara, however, given the extended nature of the negotiations and Mr. McNamara's focus on a different parcel, ATXI does not expect to reach a voluntary agreement in a timeframe supportive of this segment's in-service date. Therefore, ATXI requests eminent domain authority over this parcel.

**Agent Checklist with Landowner**

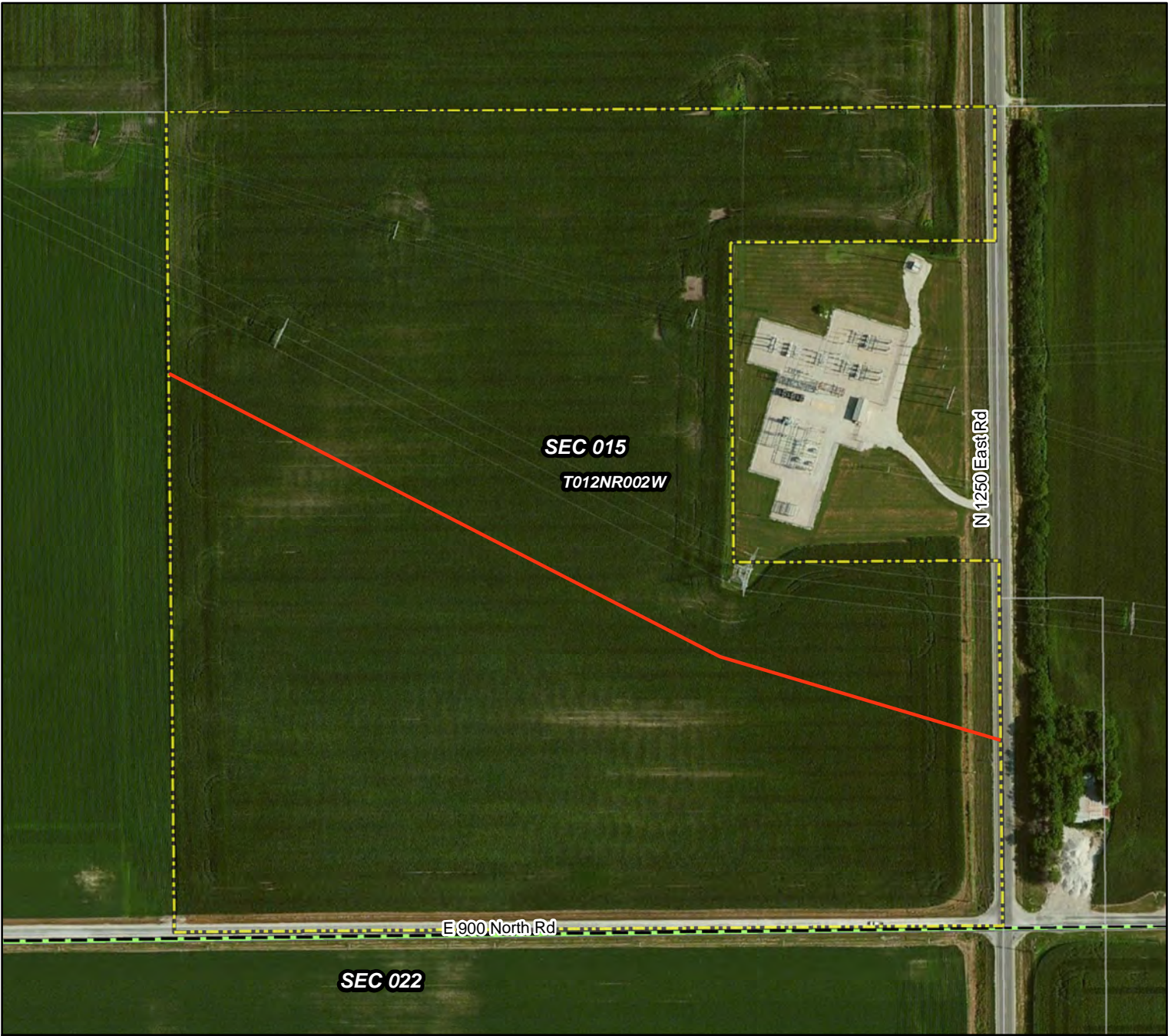
1. Landowner contacted to set up initial appointment no sooner than 14 days after the 14 day letter was sent BS ☒
2. Initial appointment set for 4/26/14 at 1pm BS ☐
3. Activity Note entered regarding Initial Meeting, including specifics regarding landowner concerns, if any, and details of meeting BS ☒
4. Prepare and review Acquisition documents and maps BS ☒
5. Provide landowner with business card and show Ameren ID badge BS ☐
6. Ask the landowner they received the 14 day letter: BS ☒
  - a. Ask if the landowner read 14 days letter
  - b. Does landowner have any questions regarding letter:

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7. Provide/explain the purpose of the project BS ☒
8. Discuss routing and how it affects landowner: BS ☒
  - a. Provide Fact Sheet about the project
  - b. Provide landowner copies of:
    - i. Small scale map of the project
    - ii. Sketch and description of type of facilities/structures
    - iii. Approximate location of facilities
    - iv. Option for Easement including exhibit showing length and width of the easement area
    - v. Memorandum of Option Exhibit B
9. Make compensation offer, provide calculation sheet and explain basis of offer BS ☒
10. Discuss subordination of mortgage, if applicable ☐
11. Complete Construction Questionnaire, including name of tenant, if applicable BS ☒
12. Provide EMF brochure, if requested ☐
13. Enter initial offers and counter-offers if any, into CLS Viewer. Contact tenant, as appropriate; complete tenant consent form if applicable BS ☒
14. Agent Name (Print and Sign) Beth Taylor 4/26/14 ☐

Tax Id: 05-18-15-300-006-00

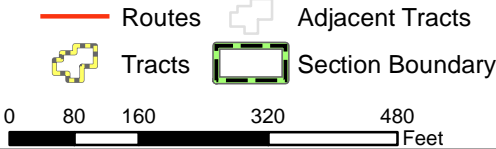


**Ameren - Illinois Rivers**



Contract Land Staff, LLC  
2245 Texas Drive, Suite 200  
Sugar Land, TX 77479

For discussion purposes only. All measurements and distances are approximations and pend final survey and engineering.



**Patrick J. Kapustka Trust dated March 22, 1999**

Tract No.:A\_ILRP\_PP\_CH\_309

Date: 9/24/2015

EXHIBIT "A"

A 5.063 ACRE TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE 3RD PRINCIPAL MERIDIAN, CHRISTIAN COUNTY, ILLINOIS AND BEING PART OF A TRACT OF LAND DESCRIBED AS TRACT 2 IN DEED TO PATRICK J. KAPUSTKA, TRUSTEE OF THE PATRICK J. KAPUSTKA TRUST AND MARIE T. McWARD, TRUSTEE OF THE MARIE T. McWARD TRUST, RECORDED IN DOCUMENT NO. 2004R06224 OF THE DEED RECORDS OF CHRISTIAN COUNTY, ILLINOIS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A POINT IN THE EAST LINE OF SAID SOUTHEAST 1/4, FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4 BEARS SOUTH 00 DEGREES 35 MINUTES 49 SECONDS EAST, A DISTANCE OF 220.37 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:1025850.73, E:2542012.83;

**THENCE** NORTH 73 DEGREES 25 MINUTES 44 SECONDS WEST, LEAVING SAID EAST LINE, A DISTANCE OF 502.14 FEET TO A POINT FOR CORNER;

**THENCE** NORTH 62 DEGREES 46 MINUTES 22 SECONDS WEST, A DISTANCE OF 965.61 FEET TO A POINT FOR CORNER IN THE WEST LINE OF SAID SOUTHEAST 1/4, FROM WHICH A TRUCK VALVE STEM IN CONCRETE FOUND AT THE SOUTHWEST CORNER OF SAID SECTION 15 BEARS SOUTH 58 DEGREES 03 MINUTES 58 SECONDS WEST, A DISTANCE OF 1,561.56 FEET;

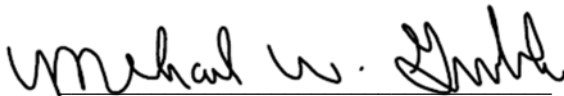
**THENCE** NORTH 00 DEGREES 35 MINUTES 46 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 169.61 FEET TO A POINT FOR CORNER;

**THENCE** SOUTH 62 DEGREES 46 MINUTES 22 SECONDS EAST, LEAVING SAID WEST LINE, A DISTANCE OF 1,030.79 FEET TO A POINT FOR CORNER;

**THENCE** SOUTH 73 DEGREES 25 MINUTES 44 SECONDS EAST, A DISTANCE OF 441.81 FEET TO A POINT FOR CORNER IN SAID EAST LINE;

**THENCE** SOUTH 00 DEGREES 35 MINUTES 49 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 157.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 220,526 SQUARE FEET OR 5.063 ACRES OF LAND, MORE OR LESS.

BEARING BASIS: ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, NAD 83(2011), WEST ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.

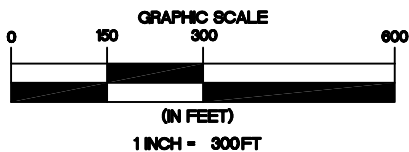


MICHAEL W. GERBERICK  
PROFESSIONAL LAND SURVEYOR  
REGISTRATION NO. 035-002683  
STATE OF ILLINOIS PROFESSIONAL  
DESIGN FIRM LICENSE NO. 184.006475

DATE: 02/13/2015

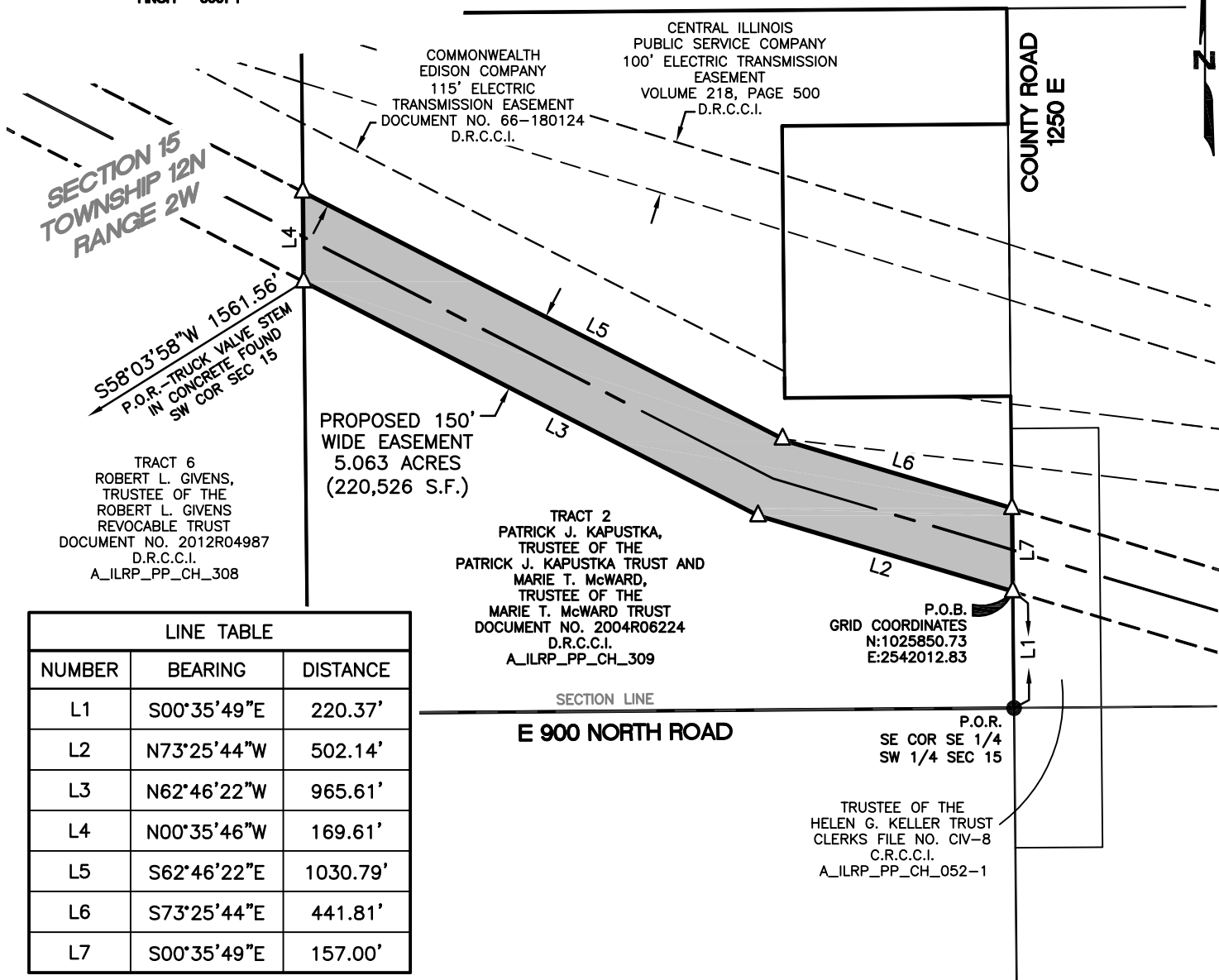






# EXHIBIT "A"

ATXI Exhibit 2.3 Part A  
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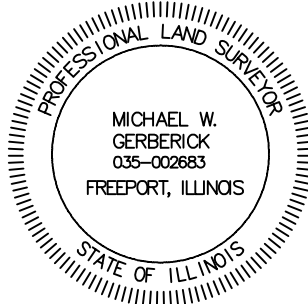


LINE TABLE

NUMBER	BEARING	DISTANCE
L1	S00°35'49"E	220.37'
L2	N73°25'44"W	502.14'
L3	N62°46'22"W	965.61'
L4	N00°35'46"W	169.61'
L5	S62°46'22"E	1030.79'
L6	S73°25'44"E	441.81'
L7	S00°35'49"E	157.00'

## LEGEND

C.R.C.C.I.	COURT RECORDS
D.R.C.C.I.	CHRISTIAN COUNTY, ILLINOIS
P.O.B.	DEED RECORDS
P.O.R.	CHRISTIAN COUNTY, ILLINOIS
●	POINT OF BEGINNING
●	POINT OF REFERENCE
●	1/2" IRON ROD FOUND
△	CALCULATED POINT
---	SECTION LINE
---	SUBJECT PROPERTY LINE
---	PROPERTY LINE
---	PROPOSED EASEMENT CENTERLINE
---	PROPOSED EASEMENT
---	EXISTING EASEMENT



*Michael W. Gerberick*

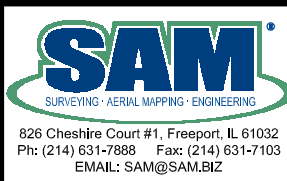
MICHAEL W. GERBERICK  
PROFESSIONAL LAND SURVEYOR  
NO. 035-002683 - STATE OF ILLINOIS  
PROFESSIONAL DESIGN FIRM  
LICENSE NO. 184.006475 - STATE OF ILLINOIS

## NOTES:

1. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENT OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
2. REFERENCE IS MADE TO THE DESCRIPTION OF EVEN DATE ACCOMPANYING THIS SKETCH.

SHEET 02 OF 02

PROJECT: ILLINOIS RIVERS
JOB NUMBER: 32359
DATE: 02/13/2015
SCALE: 1"=300'
TRACT ID: A_ILRP_PP_CH_309
DRAWN BY: NAS



150' TRANSMISSION  
LINE EASEMENT  
PAWNEE TO PANA  
SECTION 15, TOWNSHIP 12 NORTH, RANGE 2 WEST  
OF THE 3RD PRINCIPAL MERIDIAN  
CHRISTIAN COUNTY, ILLINOIS